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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में विशेष पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on the 28th August, 1968:—

BILL No. 76 of 1968

A Bill to confer on the President the power of the Legislature of the State of Punjab to make laws.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. This Act may be called the Punjab State Legislature (Delegation of Powers) Act, 1968. Short title.

2. In this Act, “Proclamation” means the Proclamation issued on the 23rd day of August, 1968, under article 356 of the Constitution, by the President and published with the notification of the Government of India in the Ministry of Home Affairs No. G.S.R. 1548 of the said date. Definition.

Confer-
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3. (1) The power of the Legislature of the State of Punjab to make laws, which has been declared by the Proclamation to be exercisable by or under the authority of Parliament, is hereby conferred on the President.

(2) In the exercise of the said power, the President may, from time to time, whether Parliament is or is not in session, enact as a President's Act a Bill containing such provisions as he considers necessary:

Provided that before enacting any such Act, the President shall, whenever he considers it practicable to do so, consult a Committee constituted for the purpose, consisting of—

(a) thirty members of the House of the People nominated by the Speaker among whom shall be included all members who for the time being fill the seats allotted to the State of Punjab in that House; and

(b) fifteen members of the Council of States nominated by the Chairman among whom shall be included all members who for the time being fill the seats allotted to the State of Punjab in that House.

(3) Every Act enacted by the President under sub-section (2) shall, as soon as may be after enactment be laid before each House of Parliament.

(4) Either House of Parliament may, by resolution passed within thirty days from the date on which the Act has been laid before it under sub-section (3), which period may be comprised in one session or in two successive sessions, direct any modifications to be made in the Act and if the modifications are agreed to lay the other House of Parliament during the session in which the Act has been so laid before it or the session succeeding, such modifications shall be given effect to by the President by enacting an amending Act under sub-section (2):

Provided that nothing in this sub-section shall affect the validity of the Act or of any action taken thereunder before it is so amended

STATEMENT OF OBJECTS AND REASONS

Under the Proclamation of the President dated the 23rd August, 1968, the powers of the Legislature of the State of Punjab are now exercisable by or under the authority of Parliament. Such Legislative measures as may be necessary for the State can be taken up by Parliament only by postponing its business; and even then, it is likely that Parliament may not have time to deal with all legislative measures for the State. It is, therefore, proposed that Parliament should in accordance with the provisions of sub-clause (a) of clause (1) of article 357 of the Constitution, confer by law on the President the powers of the Legislature of the State of Punjab to make laws for the State. The present Bill is intended to give effect to this proposal.

NEW DELHI;
The 23rd August, 1968.

Y. B CHAVAN.

FINANCIAL MEMORANDUM

The proviso to sub-clause (2) of clause 3 of the Bill provides for the constitution of a Committee for consultation regarding President's Acts, consisting of 30 members of the House of the People and 15 members of the Council of States, and expenses to be incurred in connection with the meetings of this Committee would be met from the Consolidated Fund of India. This Committee will meet as and when necessary. The expenditure is not expected to be large and is not likely to exceed Rs. 25,000 during the period in which the Proclamation will be in force.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The power of the Legislature of the State of Punjab to make laws which has been declared by the Proclamation issued under article 356 of the Constitution in respect of that State on the 23rd day of August, 1968, to be exercisable by or under the authority of Parliament, is sought to be conferred on the President under article 357 (1) (a) of the Constitution. Before exercising the aforesaid power the President is required, whenever he considers it practicable to do so, to consult a Committee of Members of Parliament constituted for the purpose in accordance with the provisions of the proviso to sub-clause (2) of clause 3. Any Act enacted by the President in exercise of the aforesaid power is required to be laid before each House of Parliament and Parliament may direct modifications to be made in the Act [*vide* sub-clause (3) and (4) of clause 3]. The delegation of legislative power is in pursuance of the express provision in this behalf in article 357 (1) (a) of the Constitution and is necessary as it will not be easy for Parliament to find time to deal with the various legislative measures that may be required in respect of the State of Punjab.

S. L. SHAKDHER,
Secretary

